

*O'Neil* determines that the wireless unit is available, ringing is provided to the wireless unit and a corresponding wireline unit. (See col. 29, lines 29-31.) No where in *O'Neil* does it disclose determining whether the wireless terminal has a voice messaging system in response to determining that the wireless terminal is available. Furthermore, *O'Neil* can not teach or suggest a second outgoing communication being placed before a first outgoing communication is answered by a voice messaging system because *O'Neil* remains completely silent regarding voice messaging system determination. Rather, *O'Neil* provides ringing to a wireline and wireless unit without voice messaging system detection.

Furthermore, *Knoerle* does not overcome *O'Neil's* deficiencies. *Knoerle* discloses a simultaneous ringing service to a plurality of customer premises equipment. (See Abstract, lines 1-2.) In *Knoerle*, a centralized database of subscriber information and a service node is utilized to make multiple outbound calls from the service node to multiple telephone lines assigned to a subscriber. (See Abstract, lines 3-6.) Inbound calls to a primary subscriber wireline are intercepted and *Knoerle's* simultaneous ringing service is implemented. (See Abstract, lines 7-10.) For example, the subscriber in *Knoerle* may designate two different wireless lines and two other wirelines to receive simultaneous ringing. (See col. 5, lines 44-46.) When *Knoerle's* simultaneous ringing service receives a call, it sets a plurality of call timers. (See col. 5, lines 53-54.) Accordingly, a Call\_Timer is set to the maximum time allowed for *Knoerle's* simultaneous ringing service to operate. (See col. 5, lines 55-57.) In *Knoerle*, if the Call\_Timer expires before any secondary lines are answered, the received call is connected to the primary subscriber wireline. (See col. 5, lines 58-60.) No where in

*Knoerle* does it disclose determining whether the wireless terminal has a voice messaging system in response to determining that the wireless terminal is available. Furthermore, *Knoerle* can not teach or suggest a second outgoing communication being placed before a first outgoing communication is answered by a voice messaging system because *Knoerle* remains completely silent regarding voice messaging system determination. Rather, *Knoerle*'s simultaneous ringing service places outgoing calls based on call timers rather than voice messaging system detection.

Combining *O'Neil* with *Knoerle* would not have led to the claimed invention because *O'Neil* and *Knoerle*, either individually or in combination, at least does not "wherein determining whether the wired terminal and the wireless terminal of the subscriber are available comprises, determining whether the wired terminal is available, determining whether the wireless terminal is available, and determining whether the wireless terminal has a voice messaging system in response to determining that the wireless terminal is available," and "wherein, if the wireless terminal is determined to have the voice messaging system, the second outgoing communication is placed before the first outgoing communication is answered by the voice messaging system," as recited by amended Claim 1. Amended Claims 10, 18, and 26 each includes a similar recitation. Accordingly, independent Claims 1, 10, 18, and 26 each patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 10, 18, and 26.

Dependent Claims 2-4, 6-9, 11-12, 14-17, 19-25, 27-28, and 30-33 are also allowable at least for the reasons described above regarding independent Claims 1, 10, 18, and 26, and by virtue of their respective dependencies upon independent Claims 1,

10, 18, and 26. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-4, 6-9, 11-12, 14-17, 19-25, 27-28, and 30-33.

## II. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Final Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Final Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.

P.O. Box 2903  
Minneapolis, MN 55402-0903  
404.954.5066

/D. Kent Stier/

Date: September 26, 2007

\_\_\_\_\_  
D. Kent Stier  
Reg. No. 50,640

DKS:YE:mdc

